



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,700	04/30/2001	Brent D. Brookler	11220-003	2640
7590	05/04/2006		EXAMINER	
John F. Letchford Klehr, Harrison, Harvey, Branzburg, & Ellers 260 South Broad Street Philadelphia, PA 19102				VAN BRAMER, JOHN W
		ART UNIT		PAPER NUMBER
		3622		

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.	Applicant(s)
09/845,700	BROOKLER ET AL.
Examiner	Art Unit
John Van Bramer	3622

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 March 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2 and 4-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2,4-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on March 6, 2006 added no new claims. Claims 1, 2, 6 and 14 have been amended and claim 3 has been cancelled. Therefore, the pending claims considered below are 1, 2, and 4 – 20.

Drawings

2. The amendment filed on March 6, 2006 has corrected the deficiencies in the drawings that were objected to in the previous Office Action. Therefore, the objection to the drawings is hereby withdrawn.

Specification

3. The amendment filed on March 6, 2006 has corrected the deficiencies in the specification that were objected to in the previous Office Action. Therefore, the objection to the specification is hereby withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,2,4-20 are rejected under 35 U.S.C. 102(e) as being anticipated by West et al. (U.S. Patent Number: 6,175,833).

Claim 1: West discloses a process for conducting an electronic survey, said process comprising the steps of:

- a. Creating an electronic survey. (Col 4, lines 43-49)
- b. Sending said survey to a plurality of users having a plurality of different types of electronic devices, the devices having at least two different types of programmatic interfaces. (Col 3, lines 49-53; Col 4, lines 9-16; and Col 6, lines 28-38)
- c. Storing said survey on a survey input database.
- d. Simultaneously publishing and accessing user data generated in response to said survey using at least one type of electronic interface device. (Col 6, lines 39-54)
- e. Receiving said user data on a survey results database.

Claim 2: West discloses the process of claim 1 further comprising accessing said user data using said plurality of different types of electronic interface devices. (Col 3, lines 55-63)

Claim 4: West discloses the process of claim 3 further comprising analyzing said user data prior to said step of accessing. (Col 8, line 53 through Col 9 line 43)

Claim 5: West discloses the process of claim 4 wherein said step of analyzing comprises analyzing said user data in accordance with criteria established by a creator of said survey. (Col 4, lines 43-62 and Col 5 line 43 through Col 6, line 3)

Claim 6: West discloses a process for conducting an electronic survey, said process comprising the steps of:

- a. Creating a survey by writing the survey materials and placing the survey materials into a survey input database as survey input data. (Col 4, lines 43-49)
- b. Wrapping each element of said survey input data with markup language tags defined in a schema to provide a collection of data in a markup language-wrapped document. (Col 3 line 55 through Col 4, line 8; Col 4, lines 43-49; Col 5, lines 23-27; and Col 6, lines 14-27)
- c. Simultaneously publishing said markup language-wrapped document, wherein said survey input data are in the form of a collection of markup language-wrapped data, by parsing said markup language-wrapped data against said schema. (Col 6, lines 28-54)
- d. Sending the parsed, markup language-wrapped data in output defined style sheets to a plurality of types of interface devices via suitable communications networks. (Col 6, lines 28-64)

- e. Receiving survey response data in a survey results database via suitable communications networks. (Col 6, lines 28-64)
- f. Simultaneously publishing the received data by wrapping the received data in a desired markup language document. (Col 6, lines 28-54)

Claim 7: West discloses the process of claim 6 further comprising accessing said received data using at least one type of electronic interface device. (Col 6, lines 28-64)

Claim 8: West discloses the process of claim 6 further comprising accessing said user data using plurality of types of electronic interface devices. (Col 6, lines 28-64)

Claim 9: West discloses the process of claim 6 wherein said step of accessing is performed by a creator of said survey. (Col 6, lines 54-64)

Claim 10: West discloses the process of claim 6 further comprising analyzing the received data prior to publishing the received data. (Col 8, line 31 through Col 9, line 36)

Claim 11: West discloses the process of claim 6 wherein said markup language-wrapped data are further validated against a predefined schema. (Col 8, line 31 through Col 9, line 36)

Claim 12: West discloses the process of claim 6 wherein said received data is further parsed against a second schema to enable the analyzed data to be accessed

by at least one interface device type specified by a creator of the survey. (Col 4, lines 16-27)

Claim 13: West discloses the process of claim 6 wherein said markup language is extensible markup language. (Col 3, line 64 through Col 4, line 8)

Claim 14: West discloses an apparatus for conducting an electronic survey, said apparatus comprising:

- a. A survey input database for storing an electronic survey comprised of survey input data. (Col 4, lines 43-62)
- b. A publishing engine for sending said survey to a plurality of users having different types of electronic interface devices via suitable communications networks. (Col 6, lines 28-54)
- c. A survey results database for receiving survey response data from said electronic interface devices via suitable communications networks, wherein said publishing engine further publishes said survey response data for access by at least one type of electronic interface device. (Col 6, lines 28-62 and Col 9, lines 62-67)

Claim 15: West discloses the apparatus of claim 14 further comprising means for analyzing said response data prior to publishing by said publishing engine. (Col 6, lines 28-54)

Claim 16: West discloses the apparatus of claim 15 wherein said analyzing means analyzes said user data in accordance with criteria established by a creator of said survey. (Col 4, lines 43-62 and Col 5, line 43 through Col 6, line 3)

Claim 17: West discloses the apparatus of claim 14 wherein, prior to sending said survey to a plurality of users, said publishing engine wraps each element of said survey input data with markup language tags defined in a schema to provide a collection of data in a markup language-wrapped document. (Col 6, lines 28-38 and Col 7, line 61 through Col 8, line 11)

Claim 18: West discloses the apparatus of claim 14 wherein, prior to publishing said survey response data, said publishing engine wraps each element of said survey response data with markup language tags defined in a schema to provide a collection of data in a markup language-wrapped document. (Col 6, lines 28-38 and Col 7, line 61 through Col 8, line 11)

Claim 19: West discloses the apparatus of claim 17 wherein said markup language is extensible markup language. (Col 3, line 55 through Col 4, line 8)

Claim 20: West discloses the apparatus of claim 18 wherein said markup language is extensible markup language. (Col 3, line 55 through Col 4, line 8)

Response to Arguments

6. Applicant's arguments filed March 6, 2006 have been fully considered but they are not persuasive.
 - a. The applicant argues that West teaches using a single database instead of two different databases. The applicant alleges that West teaches contrary to the use of two different databases. However, West (Col 4, lines 58-60), discloses that, while not the most efficient method, the use of multiple databases is a viable option.
 - b. The applicant argues that West does not teach publishing the survey results simultaneously with the input by the user. Since simultaneous means occurring at the same time, the Examiner is assuming that the claim intends that the user's input is tallied at the same time as all the previous votes and the result are sent to the user. Otherwise, if the applicant intends that the user's input is submitted, the results are tallied and the survey is published simultaneously then the invention has not disclosed how the data transmission time, bandwidth latency, and processor computation time has been eliminated in order to effect such a simultaneous occurrence. Since West does teach the publishing of the survey results, including the users input, periodically (Col 3, lines 1 – 11, Col 9, lines 5 - 8) including in real time (Col 1, lines 46 – 62) the limitations as set forth in Claims has been previously disclosed.
 - c. The applicant argues that West does not disclose a system that allows the inputs to be taken from multiple devices running various interfaces, and publish the results to the surveys creators across similarly diverse devices running various

interfaces. However, West discloses that the web server accepts requests from client-based web browsers, accesses a file system, and returns the requested page (Col 3, lines 55 – 63). The returned web pages are commonly written in HTML, XML, or ASP which are all have different mechanisms for wrapping and displaying web pages. (Col 3, line 64 through Col 4, line 9). Additionally, the returned pages are transmitted, using multiple different network protocols such as TCP/IP and HTTP, back to the client-based browser or other application for the user to view (Col 4, lines 9- 16). Since, the results of the voting in West is displayed using web pages, West has discloses receiving input from multiple input devices and sending responses to diverse devices.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 9am - 5pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SVB
jvb

Eric W. Stamber
ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600